

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 16-CA-310918	Date Filed 1/24/2023

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Cognizant; Google, LLC/Alphabet, Inc. (as joint employers)		(b) (5), (b) (6), (b) (7)(C)
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) Cognizant, 717 E Parmer Lane, Austin, TX 78729; Google, LLC/Alphabet, Inc., 7700 W Parmer Lane, Austin, TX 78729	(b) (6), (b) (7)(C) ye (b) (6), (b) (7)(C)	g. e-mail (b) (6), (b) (7)(C)@cognizant.com (b) (6), (b) (7)(C)@google.com
		h. Number of workers employed 58
i. Type of Establishment (factory, mine, wholesaler, etc.) Technology	j. Identify principal product or service Technology	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)
--See additional page--

3. Full name of party filing charge (if labor organization, give full name, including local name and number)
Anne Barnett, Alphabet Workers Union-CWA

4a. Address (Street and number, city, state, and ZIP code) 155 West Road Portsmouth, New Hampshire 03801	4b. Tel. No. (866) 206-6086
	4c. Cell No.
	4d. Fax No.
	4e. e-mail anne@alphabetworkersunion.org

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. /s/ Karla M. Campbell (signature of representative or person making charge)		Tel. No. (615) 254-8801
Karla Campbell, Attorney (Print/type name and title or office, if any)		Office, if any, Cell No.
		Fax No. (615) 255-5419
Address 223 Rosa L Parks Avenue, Suite 200, Nashville, TN 37203 Date Jan 24, 2023		e-mail karlac@bsjfirm.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(1); 8(a)(3)

Within the last three months since filing a petition for an NLRB election, the employers have unilaterally moved work from the petitioned-for unit to other offices, including an overseas office in India, to chill the union organizing effort.

8(a)(1)

Within the last three months since filing a petition or an election, and within the context of a meeting with workers to discuss the organizing effort, (b) (6), (b) (7)(C) has made an implied threat of reprisal that the employees' work can be easily transferred to other offices in the case of an "emergency."

8(a)(1)

Within the last three months since filing a petition or an election, and within the context of a meeting with workers to discuss the organizing effort, (b) (6), (b) (7)(C) has made a threat of reprisal that bringing in a union would stifle (b) (6), (b) (7)(C) relationship with employees, that the organizing drive has created a "brick wall," and (b) (6), (b) (7)(C) "not sure that it's going to work for everyone" if the union is voted in.

8(a)(1)

Within the last three months, the employers have unilaterally changed workplace policies and their enforcement in response to the union effort. Specifically, the employers have now stated that failure to comply with the newly-promulgated return to office policy will be treated as "job abandonment" and a "voluntary termination," a clear departure from prior policy or prior disciplinary policies.

8(a)(1)

Within the last three months, the employers have failed to maintain the status quo during the pendency of an NLRB representation case petition by imposing a return to office policy.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 16
819 Taylor Street, Room 8A24
Fort Worth, TX 76102-6107

Agency Website: www.nlrb.gov
Telephone: (817)978-2921
Fax: (817)978-2928



Download
NLRB
Mobile App

January 26, 2023

(b) (6), (b) (7)(C)

COGNIZANT
717 EAST PARMER LANE
AUSTIN, TX 78729

(b) (6), (b) (7)(C)

GOOGLE, LLC/ALPHABET, INC.
7700 WEST PARMER LANE
AUSTIN, TX 78729

Re: Cognizant; Google, LLC/Alphabet, Inc.
(as joint employers)
Case No. 16-CA-310918

DEAR PARTIES:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner ALEX HERNANDEZ whose telephone number is (346)227-1372. The mailing address is 1919 Smith Street, Suite 1545, Houston, TX 77002-8051. If this Board agent is not available, you may contact Acting Supervisory Field Examiner ZACHARY LONG whose telephone number is (682)703-7791.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly. **Due to the nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(j) of the Act may be appropriate.** Therefore, in addition to investigating the merits of the unfair labor practice allegations, the Board agent will also inquire into those factors relevant to making a determination as to whether or not 10(j) injunctive relief is appropriate in this case. Accordingly, please include your position on the appropriateness of Section 10(j) relief when you submit your evidence relevant to the investigation.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Controlled Unclassified Information (CUI): This National Labor Relations Board (NLRB) proceeding may contain Controlled Unclassified Information (CUI). Subsequent information in this proceeding may also constitute CUI. National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Timothy L. Watson". The signature is fluid and cursive, with a large initial "T" and "W".

TIMOTHY L. WATSON
REGIONAL DIRECTOR

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME	CASE NUMBER 16-CA-310918
-----------	-----------------------------

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES
--	--

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

7A. PRINCIPAL LOCATION:

7B. BRANCH LOCATIONS:

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:

B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES _____)

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$ _____		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ _____		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ _____		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ _____		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ _____		
H. Gross Revenues from all sales or performance of services (Check the largest amount) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER
------	-------	----------------	-------------

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE
--------------------------------	-----------	----------------	------

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 16
819 Taylor Street, Room 8A24
Fort Worth, TX 76102-6107

Agency Website: www.nlrb.gov
Telephone: (817)978-2921
Fax: (817)978-2928



Download
NLRB
Mobile App

January 26, 2023

MS. ANNE BARNETT
ALPHABET WORKERS UNION-
COMMUNICATIONS WORKERS OF AMERICA
155 WEST ROAD
PORTSMOUTH, NH 03801

Re: Cognizant; Google, LLC/Alphabet, Inc.
(as joint employers)
Case No. 16-CA-310918

DEAR MS. BARNETT:

The charge that you filed in this case on January 24, 2023 has been docketed as case number 16-CA-310918. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner ALEX HERNANDEZ whose telephone number is (346)227-1372. The mailing address is 1919 Smith Street, Suite 1545, Houston, TX 77002-8051. If this Board agent is not available, you may contact Acting Supervisory Field Examiner ZACHARY LONG whose telephone number is (682)703-7791.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Due to the nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(j) of the Act may be appropriate. Therefore, in addition to investigating the merits of the unfair labor practice allegations, the Board agent will also inquire into those factors relevant to making a determination as to whether or not 10(j) injunctive relief is appropriate in this case. Accordingly, please include your position on the appropriateness of Section 10(j) relief when you submit your evidence relevant to the investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlrb.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive

January 26, 2023

correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Controlled Unclassified Information (CUI): This National Labor Relations Board (NLRB) proceeding may contain Controlled Unclassified Information (CUI). Subsequent information in this proceeding may also constitute CUI. National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



TIMOTHY L. WATSON
REGIONAL DIRECTOR

Enclosure

1. Important Information About NLRB Investigations for Immigrant Workers
(English & Spanish)

cc: MS. KARLA M. CAMPBELL,
ATTORNEY
BRANSTETTER, STRANCH &
JENNINGS PLLC
223 ROSA L PARKS AVENUE,
SUITE 200
NASHVILLE, TN 37203

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
FIRST AMENDED **CHARGE AGAINST EMPLOYER**

DO NOT WRITE IN THIS SPACE

Case
16-CA-310918Date Filed
2/1/2023**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Cognizant; Google, LLC/Alphabet, Inc. (as joint employers)		(b) (5), (b) (6), (b) (7)(C)
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) Cognizant, 717 E Parmer Lane, Austin, TX 78729; Google, LLC/Alphabet, Inc., 7700 W Parmer Lane, Austin, TX 78729	(b) (6), (b) (7)(C) representative (b) (6), (b) (7)(C) (Google) (b) (6), (b) (7)(C) (Cognizant)	g. e-mail (b) (6), (b) (7)(C)@cognizant.com; (b) (6), (b) (7)(C)@google.com
		h. Number of workers employed 58
i. Type of Establishment (factory, mine, wholesaler, etc.) Technology	j. Identify principal product or service Technology	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)
--See additional page--

3. Full name of party filing charge (if labor organization, give full name, including local name and number)
Anne Barnett, Alphabet Workers Union-CWA

4a. Address (Street and number, city, state, and ZIP code) 155 West Road Portsmouth, New Hampshire 03801	4b. Tel. No. (866) 206-6086
	4c. Cell No.
	4d. Fax No.
	4e. e-mail anne@alphabetworkersunion.org

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. _____ (signature of representative or person making charge)		Tel. No. (615) 254-8801
_____ (Print/type name and title or office, if any)		Office, if any, Cell No.
Address 223 Rosa L Parks Avenue, Suite 200, Nashville, TN 37203 Date 2/1/2023		Fax No. (615) 255-5419
		e-mail karlac@bsjfirm.com

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(1); 8(a)(3)

Within the last three months since filing a petition for an NLRB election, the employers have unilaterally moved work from the petitioned-for unit to other offices, including an overseas office in India, to chill the union organizing effort.

8(a)(1)

Within the last three months since filing a petition or an election, and within the context of a meeting with workers to discuss the organizing effort, (b) (6), (b) (7)(C) has made an implied threat of reprisal that the employees' work can be easily transferred to other offices in the case of an "emergency."

8(a)(1)

Within the last three months since filing a petition or an election, and within the context of a meeting with workers to discuss the organizing effort, (b) (6), (b) (7)(C) has made a threat of reprisal that bringing in a union would stifle (b) (6), (b) (7)(C) relationship with employees, that the organizing drive has created a "brick wall," and (b) (6), (b) (7)(C) "not sure that it's going to work for everyone" if the union is voted in.

8(a)(1)

Within the last three months, the employers have unilaterally changed workplace policies and their enforcement in response to the union effort. Specifically, the employers have now stated that failure to comply with the newly-promulgated return to office policy will be treated as "job abandonment" and a "voluntary termination," a clear departure from prior policy or prior disciplinary policies.

8(a)(1)

Within the last three months, the employers have failed to maintain the status quo during the pendency of an NLRB representation case petition by imposing a return to office policy.

8(a)(1)

Cognizant/Google's policies concerning recording are overbroad and unlawfully chill employees' ability to engage in protected concerted activities.

***** Amended Allegations *****

8(a)(1)

After being notified that the petitioned-for unit is considering resorting to collective action in response to the Employers' recent unfair labor practices, the Employers immediately offered bargaining unit employees an extended severance and work from home option if they agreed to leave covered employment, in order to discourage employees from engaging in any protected concerted activity.

The Union requests that the Region seeks 10(j) relief and a *Gissel* Bargaining Order.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 16
819 Taylor Street, Room 8A24
Fort Worth, TX 76102-6107

Agency Website: www.nlr.gov
Telephone: (817)978-2921
Fax: (817)978-2928



Download
NLRB
Mobile App

February 6, 2023

(b) (6), (b) (7)(C)

COGNIZANT
717 E PARMER LN
AUSTIN, TX 78729

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)
GOOGLE, LLC/ALPHABET, INC.
7700 W PARMER LN
AUSTIN, TX 78729

Re: Cognizant; Google, LLC/Alphabet, Inc.
(as joint employers)
Case 16-CA-310918

DEAR PARTIES:

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Examiner ALEX HERNANDEZ whose telephone number is (346)227-1372. The mailing address is 1919 Smith Street, Suite 1545, Houston, TX 77002-8051. If the agent is not available, you may contact Acting Supervisory Field Examiner ZACHARY LONG whose telephone number is (682)703-7791.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing

February 6, 2023

Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink, appearing to read "Timothy L. Watson", written in a cursive style.

TIMOTHY L. WATSON
REGIONAL DIRECTOR

Enclosure: Copy of first amended charge

cc: J. AL LATHAM JR., ATTORNEY
PAUL HASTINGS, LLP
515 S FLOWER ST
25TH FLOOR
LOS ANGELES, CA 90071

CAMERON W. FOX, ATTORNEY
PAUL HASTINGS, LLP
515 S FLOWER ST
25TH FLOOR
LOS ANGELES, CA 90071

ANKUSH DHUPAR, ATTORNEY
PAUL HASTINGS, LLP
515 S FLOWER ST
25TH FLOOR
LOS ANGELES, CA 90071

ERIN E. MCMAHON, ATTORNEY
JONES DAY
555 CALIFORNIA ST
26TH FLOOR
SAN FRANCISCO, CA 94104

JUSTIN D. MARTIN, ATTORNEY
JONES DAY
250 VESEY ST
NEW YORK, NY 10281



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 16
819 Taylor Street, Room 8A24
Fort Worth, TX 76102-6107

Agency Website: www.nlrb.gov
Telephone: (817)978-2921
Fax: (817)978-2928



Download
NLRB
Mobile App

February 6, 2023

ANNE BARNETT
ALPHABET WORKERS UNION-
COMMUNICATIONS WORKERS OF
AMERICA
155 WEST RD
PORTSMOUTH, NH 03801

Re: Cognizant; Google, LLC/Alphabet, Inc.
(as joint employers)
Case 16-CA-310918

DEAR MS. BARNETT:

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Examiner ALEX HERNANDEZ whose telephone number is (346)227-1372. The mailing address is 1919 Smith Street, Suite 1545, Houston, TX 77002-8051. If the agent is not available, you may contact Acting Supervisory Field Examiner ZACHARY LONG whose telephone number is (682)703-7791.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

February 6, 2023

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,



TIMOTHY L. WATSON
REGIONAL DIRECTOR

cc: KARLA M. CAMPBELL, ATTORNEY
BRANSTETTER, STRANCH & JENNINGS,
PLLC
223 ROSA L. PARKS AVE
STE 200
NASHVILLE, TN 37203

MICHAEL IADEVAIA, ATTORNEY
BRANSTETTER, STRANCH & JENNINGS,
PLLC
223 ROSA L. PARKS AVE
STE 200
NASHVILLE, TX 37203

CLEMENT L. TSAO, ATTORNEY
BRANSTETTER, STRANCH & JENNINGS,
PLLC
425 WALNUT ST
STE 2315
CINCINNATI, OH 45202